

MR. COOPER EXPLAINS PROPOSED LAND DEALS

Land at Pololu, Kohala, and taro land H. E. Cooper, Superintendent of Public Works, yesterday gave an Advertiser reporter a statement of the land exchanges he intends to submit to the executive council tomorrow. He has requested Governor Dole to convene the meeting in special session for this purpose at 9 o'clock in the morning. The requisition for the public lands in question was sent to E. S. Boyd, Commissioner of Public Lands, yesterday morning. Following is the schedule of transactions proposed:

In Pauoa, Honolulu, to be exchanged for land at Nuuanu avenue and Pauoa road wanted for a public park. This proposition has been previously approved by the council.

A lot at Beretania, Miller and Vineyard streets is wanted as sites for the N. G. H. army and the Royal school building. The land proposed to be given in exchange therefor is at Alea, being part of the Honolulu plantation. The basis of exchange value is \$45,000 on each side, though the trustees of Oahu College last year paid \$65,000 for the city lot.

An exchange of the lease held by the trustees of the Lunallilo Estate, with three years to run, of land in Queen street containing the building occupied by the California Feed Co., for a lease of Government land on the mauka side of Queen street formerly occupied by the Honolulu Iron Works. At the expiration of three years the California Feed Co. is to have a lease for 21 years upon a lot approximately sixty feet by ninety-three feet at an annual rental of \$600. The company is to erect thereon a building, to cost not less than \$7000, which will become the property of the Government at the expiration of the lease.

An area of between 5000 and 6000 square feet required for the extension of Smith street is wanted from the Dowsett Estate in exchange for a similar area in Queen street formerly occupied by the Honolulu Iron Works.

The block of land bounded by Millian, Queen and Richards streets and Capitol square, with the exception of the Opera House lot, containing an area of 110,875 square feet is desired in exchange for the public lands of Kalopapa, Kaunamano, Kawaia, Aemalo, Kalaikiki and Hionaa, in Hamakua and Kau districts, Hawaii. The town prop-

erty sought in this exchange is what W. G. Irwin has already been reported in the Advertiser as valuing at \$200,000. The Weloka kula land at Pearl Harbor is proposed to be exchanged for land required to widen and extend Kaaka street.

Finally, the transfer of the Waimanua land, containing 700 acres, to the Board of Health as a site for the new Insane Asylum will be submitted for confirmation.

Superintendent Cooper denied that there was any secrecy intended about the various land exchanges proposed. Nothing but preliminary negotiations had taken place and he had only notified the Commissioner of Public Lands of the proposals that morning.

"They will be submitted to the executive council for the first time on Monday morning," Mr. Cooper said, "and, so far as I am concerned, I have no objection to allowing members of the press to attend the meeting and report the discussions."

"I agree with the principle of what the Advertiser has said about publicity in matters of Government business. Certainly I have never kept back from publication the doings of this department, but in the matter of these land exchanges, as I have said, there has been nothing done beyond negotiating the preliminaries."

"With regard to my desire for having these things concluded before I go out of office, it must be remembered that some of them have been matters of many months of negotiation. If left to a new regime they would require going all over again. It is not through any lack of confidence in the coming administration that I wish to have the business consummated, but because I desire to leave as little unfinished business as possible to my successor. I want him to have a free hand to tackle his new work. The whole matter is on a par with a case argued and submitted before a judge who was about to retire. It would be very desirable for the parties to have a decision before he retired."

From the mention in the above schedule of land exchanges of the purposes for which the old Miller premises are wanted, it is seen that the Government has heeded the objections raised in the Advertiser to placing the N. G. H. armory close to the Judiciary building grounds.

MAUI AND HAWAII APPROVE OF DOLE AND CARTER

The appointments by President Roosevelt last week are entirely satisfactory to a majority of the people who have interests in Hawaii, says the Hilo Herald. If straws indicate the direction of political winds Mr. Carter was recognized as the logical successor to Governor Dole and his advancement to the highest Territorial position was a question of but a few months. He has been a favorite of the President for some time and he is one of the same stamp as others who have received favors at his hands. Mr. Carter is a young man but full of experience. He may be impetuous, but then the same has been said of President Roosevelt. He is a "college boy" and a believer in the strenuous life in both of which he resembles the chief executive of the United States. People who know Mr. Carter believe he will make an ideal American Governor. In some matters he may be aggressive but that is a quality in which the Territorial chief executive should not be lacking. Mr. Carter, strange to say, belongs to what is unjustly termed "the missionary crowd." In other words he is an attendant at church services and that is all it takes in Hawaii to make a missionary. But in spite of this he has been selected to fill an exalted position. Evidently all that has been said in the opposition press against the missionaries has had no weight with the President. This fact is more strongly emphasized in the selection of Governor Dole to succeed the late Judge Estee. No stronger endorsement of the governor's administration can be framed and the selection will prove satisfactory beyond any question. As Associate Justice Mr. Dole made a record as a jurist and that record is undoubtedly known in Washington and to this his record as an executive during the past ten years made it easy for the President to decide who should be Federal judge.

AS VIEWED IN MAUI.

The appointment of Governor Dole to the Territorial Federal judgeship and of George R. Carter as Governor of the Territory is the highest compliment which President Roosevelt could have paid to the Territory, in this that both gentlemen are Island men. And both appointments are good ones. Governor Dole will make quite as able a judge as our late lamented Judge Estee, and the News in all kindness suggests that our new judge emulate our former judge in his broad and advanced American ideas. While the News would, as a politic measure, and one of poetic justice, gladly have hailed the appointment of a competent Hawaiian as governor, still George R. Carter is an able, honest and progressive man, and still better, is in close and friendly touch with the authorities at Washington and with the business men on the mainland, and for this reason is entitled to the utmost confidence of the people of the Territory.—Maui News.

DOLE AND CARTER APPOINTED.

WASHINGTON, Oct. 31.—The President today made the following appointments:

Sanford B. Dole, to the United States District Judgeship for Hawaii to succeed the late Judge Morris M. Estee.

George R. Carter, Secretary of Hawaii, to be governor of the same, to succeed Governor Dole.

CHINESE DOWAGER IS AFRAID OF TROUBLE

PEKIN, Nov. 9.—The old Empress Dowager is making preparations for a hasty flight. She fears trouble in the present difficulties between Japan and Russia.

NO LAW FOR CONTESTS

Home Rulers Have No Remedy in the Courts.

In the opinion of different gentlemen learned in the law, there is no legal provision extant in the Territory of Hawaii for contesting an election, county or other. It is true that the County Act contains the following provisions:

"Section 454. Save as herein otherwise provided, any candidate for any county office may contest any election therefor in the manner provided by law."

"Sec. 455. In all contests relative to county officers, the petition required by law to be filed in the Supreme Court shall be filed in the Circuit Court in such county, and such Circuit Court shall have such jurisdiction relative to such contests as is given to the Supreme Court by law. It shall report its finding and judgment relative thereto to the Board of Supervisors of the county, which shall have the same powers relative thereto as are by law vested in the Minister of the Interior."

So far so good. But it appears the "law" quoted to govern elections and contests thereof does not exist.

The Organic Act, in Sec. 7, expressly repeals the constitution of the Republic of Hawaii and a large number of "acts, chapters, and sections of civil laws, penal laws, and session laws" of said Republic. Among these laws repealed by the Act of Congress aforesaid is the entire election law of the Republic of Hawaii. The Legislature of the Territory, it would appear, has never enacted a complete substitute for the election law thus repealed. It would therefore seem that the certificates of election issued upon the face of the returns by the Secretary of the Territory are final and not legally subject to review by any tribunal in the Territory.

According to the Bulletin, the Home Rulers of Oahu county have "decided to file papers of protest against the recent county election on Monday next," and it is further stated by the same authority, that:

"The intention is to go directly to the Supreme Court. No demand for a new election will be made. A recount is what is desired."

"While the papers have been drawn up, some slight changes are necessary and it is thought that Monday will be plenty of time for the filing of these. The Home Rulers are proceeding very slowly, as they desire to leave no stone unturned."

How the Home Rulers can go directly to the Supreme Court, is the face of the County Act's specific direction that the petition shall be filed in the Circuit Court, requires a home rule mentality to comprehend. It is perhaps not so difficult, though, as the problem of how any petition can be filed anywhere, as "required by law," while there is no law requiring a petition to be filed anywhere.

The County Act provided for county elections, and specifically for the first one just held, therefore is a law unto itself so far as the legality of the election is concerned. In matters where it adopts parts of the laws repealed by the Organic Act, however, it is non-effective.

KAUAI'S ELECTION STILL IN DOUBT

The election on Kauai is still in doubt owing to the failure to receive the result of the vote on Niihau and up to the time the W. G. Hall left Niihau no news had been received from there. The only office left in doubt was that of county attorney, for which J. D. Willard was the Republican aspirant. He was 23 votes behind the Home Rule candidate.

Niihau has about 33 votes, but it was believed that several of the voters were on the island of Kauai at the time of the election, and therefore the number of votes cast is speculative. It is believed that the majority of these votes will be cast for Willard, but a defection of three or four votes would destroy his chances.

The weather in the Niihau channel has been very rough for the past week, and no boats have ventured to cross it. When the weather quiets down the news will be received.

OLD BILL TURNS UP AT THE TREASURY

One of the earliest greenbacks issued by the government of Hawaii was recently turned into the Territorial treasury or redemption. It was a fifty dollar certificate of deposit and was given to the Bank of Hawaii in change and then turned over to Treasurer Keopikahi. The certificate is believed to have been one of the first issued by the government in King Kalakaua's time. It bears no date but is signed by Simon Kapena as Minister of Finance and F. S. Pratt as Registrar of Public Accounts. These officials served in the early eighties.

Very few of these bills have been turned in lately for redemption. Altogether there was an issue of \$12,000 which was redeemable in silver. Of this amount all but \$3000 has been redeemed and it is believed that the remainder will never be offered for redemption. The most plausible theory is that the greater part of the money still unredeemed was destroyed in the Chinatown fire.

FITCH'S FEE CASE HEARD

Campbell Trustees Demur to Com- plaint.

The motion to dismiss the writ of error in Fitch vs. Watson was argued and submitted before the Supreme Court yesterday. W. S. Fleming appeared for plaintiff, and defendant in person. The matter is that of Thomas Fitch's fee in the guardianship of Rebecca Panee Bishop.

DEFAULT DECREE DENIED.

Judge De Bolt denied the motion to strike defendant's second demurrer from the files, and for a default and decree pro confesso against the defendant, in the case of Kapiolani Estate, Ltd., against Mary H. Atcherley. He overruled the demurrer instead, allowing the defendant fifteen days within which to answer. Kinney & McClanahan for plaintiff; Dickey for defendant.

In the case of W. O. Smith et al., trustees, vs. Emmett May, Judge De Bolt sustained the demurrer of plaintiff to set-off and allowed plaintiff five days within which to file proper pleadings.

Judge De Bolt continued, until moved on, the case of Keahi vs. Niau Iaukea et al.

MASTER OVERRULED.

Judge De Bolt appointed M. R. Counter, George Lucas and William Savidge appraisers of the estate of August Kraft, deceased. He also confirmed the accounts of W. L. Howard, administrator, and, contrary to the recommendation of J. A. Matthewsman, master held the attorney's fee of \$200 to be reasonable. The master was allowed a fee of \$40. P. L. Weaver appeared for the administrator, and Thayer & Hemenway for the heirs.

BILLS OF COSTS.

Judge De Bolt yesterday allowed plaintiff's bill of costs at \$107.50 in the quieting title case of Margaret Cullen vs. T. F. Lansing, overruling defendant's objections to certain charges. Robertson & Wilder for plaintiff; Watson for defendant.

Judge De Bolt taxed the bill of costs against defendant in the suit of David Kawanakoa et al vs. Lulla (w) at \$37.25.

CAMPBELL ESTATE SUIT.

Robertson & Wilder have filed a demurrer of defendants to the complaint of Kailua (w) vs. Abigail K. Campbell Parker, Joseph O. Carter and Cecil Brown, trustees of the estate of James Campbell, deceased. They claim that James Campbell named in the bill is a necessary party defendant, but plaintiff has not made him a party. The bill is said to be multifarious in seeking relief for several distinct matters and causes, in many whereof the defendants are not interested. Further, it is alleged that plaintiff has not stated such a cause as does or ought to entitle her to any such discovery or relief as is thereby sought from or against the defendants. This is the case in which complainant alleges the late James Campbell forced her to sign a deed in Cecil Brown's office.

BALLOU'S DESK TELEPHONE.

A demurrer has been filed by Smith & Lewis for defendant to the bill for injunction of Sidney M. Ballou vs. Mutual Telephone Co., Ltd. It sets forth:

"That said petition is ambiguous in this, that it does not appear therein, neither can it be ascertained therefrom, whether or not said petitioner's telephone service was at the date of the filing of said petition and issuing of the temporary injunction prayed for in said petition, or now is, connected with the telephone service of said defendant."

"That said petition is uncertain on the grounds wherein it is alleged to be ambiguous."

"That said petition is unintelligible on the grounds wherein it is alleged to be ambiguous."

"That said petition does not state sufficient cause or ground for action or relief in that it does not appear therein that said petitioner has offered or tendered any sum of money or valuable consideration for the rental and use of the desk telephone alleged to have been installed in petitioner's residence as set forth in said petition."

"That said petition does not state sufficient cause or ground for action or relief to entitle said petitioner to any remedy by way of injunction."

MISCELLANEOUS.

William Blaisdell has filed his bond in \$5500, with Jas. F. Morgan and Frank J. Kruger sureties, as commissioner to sell lands mentioned in a decree of Judge Robinson in the suit of Kapiolani Estate, Ltd., and Allen & Robinson, Ltd., vs. R. William Holt and Geo. H. Holt. He has also taken the oath as commissioner.

In the matter of the estate of Morris M. Estee, deceased, Judge De Bolt granted the petition of J. J. Dunne, administrator, for a commission to issue to Charles A. Shurtleff, attorney at law, San Francisco, to take the testimony of Geo. G. Carr and W. H. Sigourney.

It is stipulated in the assumpsit suit of Thomas S. Kay vs. Orpheum Co., Ltd., David Kawanakoa, John F. Colburn, Mark P. Robinson, W. H. McInerney, Edgar Halstead, Joseph H. Fisher, John D. Holt, Jr., and Jonah Kalaniana'ole that defendant McInerney may have until December 9 within which to plead, etc., as he may be advised.

The Oahu Lumber & Building Co., Ltd., has discontinued its suit against the Inter-Island Telegraph Co., Ltd.

A good point: He—"There is one thing in particular I like about spinsters." She—"What is that?" He—"They never bore a fellow by telling him how they used to do this and that before he was born."—Tid-Bits.

ONLY ONE FIRM HAD A CHANCE TO BID ON CRUSHER

Public Works Department Prints a Dissolving View Advertisement and Then Buys a \$1550 Machine of Von Hamm Young Co.

By the terms of the Appropriation Bill "Every contract for * * * furnishing material, provisions and other supplies amounting to \$500, shall be awarded to the lowest bidder, only upon the public advertisement for tenders."

The Public Works Department has purchased a rock crusher from the Von Hamm-Young Company for \$1550.

In making the purchase the above law was practically ignored. An advertisement for tenders for the rock crusher was drawn up and dated Saturday last, October 31st.

It was not inserted in any paper until it appeared in the inside pages of the Bulletin on Monday afternoon, November 2nd. It also appeared in the Bulletin of November 3rd,—election day. The call was for tenders to be opened at 12 m. on Wednesday, November 4.

Other firms in town who would have liked to tender for supplying the crusher if they had known of the call, knew nothing of the matter until it was too late.

What might have been expected, happened. Only one firm knew of the advertisement. Its tender alone was received, and the contract was awarded to it before any competitor knew that a crusher was wanted.

WHAT MARSTON CAMPBELL SAYS.

"The contract for furnishing the rock crusher was let to Von Hamm-Young Co. for \$1550," said Assistant Superintendent Campbell yesterday. "I sent the copy for the advertisement upstairs on Friday and the date for the closing of bids was fixed for the following Wednesday. That was ample time for those in the Territory who wanted to bid. The crusher was wanted in a hurry, it was needed for the contractor who is building the Pahala road on Hawaii and it had to be sent over at once. If we had waited to advertise for bids on the coast it would have taken three months and delayed the work just that much. The crusher is one which is kept in stock here and is sold only at one price. There was three or four days for bidders to act if they wanted. If there is any question I am willing to abrogate the contract and advertise for bids again, but it will delay the work just that much."

C. M. White, Chief Clerk in the Public Works office, said that he believed the advertisement was sent to be published on Saturday. He had told Mr. Campbell that the time for asking tenders was too short, but the reply had been that it was "all right." The stub in the record at the Public Works office fails to show when the copy was sent to be published, although the advertisement is dated October 31st.

COAST LABOR OPPOSES JAP AND KOREAN INFLUX HERE

The Chronicle says:

The San Francisco Labor Council adopted the following resolutions last night:

Whereas, Mongolians and other Asiatic cheap labor are not only a detriment to the progress of the American workers but to that of the Nation as a whole; and whereas, strenuous efforts are now being made in the Philippine islands by nearly all the representatives of European capital and by some representatives of American capital to open these islands to Chinese coolie labor, which inevitably will lead not only to the lowering of the already small wages of the Filipino workers, but, ultimately to the crowding out of the native workmen and native business men by Chinese; and whereas, in the Hawaiian Islands out of a population of about 160,000, there are 70,000 Japanese, 95,700 Chinese and of late Koreans, who are Chinese in build and customs, are being brought in, the purpose of the Hawaiian Sugar Planters' Association being to import in the near future 10,000 of such Koreans as an experiment, who—as at present there is already a large surplus of Mongolian labor in these islands—labor which is gradually finding its way to the mainland of the United States, especially to the Pacific Coast States—will come to our country, the Hawaiian Islands thus being used as a bridge to bring cheap Mongolian labor into the United States; and whereas, Chinese and Japanese, especially the latter, are rapidly driving to destitution and extinction the native Hawaiians, and out of the islands the few white mechanics, the few small white settlers and the small white business men, leaving the islands in full control of the Hawaiian Sugar Planters' Association, controlled by a few white men of great wealth; and whereas the census of 1900 shows that the Japanese population of the United States, exclusive of the Japanese in the Philippines and Hawaiian Islands, had grown from 2039 in 1890 to 24,326 in 1900, of which number 22,000 were in the States of California, Washington, Oregon, Montana and Idaho, where their disastrous competition in many callings has inflicted great injury on the American workers, especially since 1900, when their numbers in these states have steadily increased; and whereas increased machinery production in Japan is displacing in larger and larger numbers hand labor, which hand labor in the overcrowded condition of that country, where 45,000,000 of people are situated on 148,742 square miles, only 11 per cent of which is arable land, is eager to immigrate and willing to work at any wages, in Japan now wages of laborers being 18 cents per day and of mechanics from 20 to 50 cents per day; and whereas the Japanese only outwardly, by adopting our dress, conform to the Western standard of civilization—in their customs and morals they remain essentially Japanese, that is, men of a lower standard of morals, of a lower standard of wages, men of a race that has never assimilated with the Caucasians, but which race has always pulled down, and pulled down irresistibly, the men of the Caucasian race that has been forced into contract with men of the Mongolian race; now, therefore, be it

"Resolved, by the San Francisco Labor Council, in regular session assembled, October 23, 1903, that we deem it absolutely necessary for the preservation and advancement of American civilization, and for the preservation and advancement of the natives of the Philippine and Hawaiian Islands, to whom the American Government has made solemn pledges of protection, that the present Chinese exclusion law be made to apply to the Japanese and Koreans and other Asiatic Mongolian labor, also that the present Chinese exclusion law continue in full force in the Philippine and Hawaiian Islands; and further

"Resolved. That the American Federation of Labor, at its annual convention to be held November next at Boston, Mass., is hereby requested to instruct its legislative committee to have a bill introduced in Congress embodying the spirit of these resolutions."